

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION MEETING
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Date:	Wednesday, January 3, 2007	Time:	12:00pm-2:00pm	Place:	State Capitol Complex East Wing, Beehive Room
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Members Present	Sheriff Phil Barney, Senator Greg Bell, Paul Boyden, Cliff Butter for Scott Carver, Judge Terry Christiansen, Marlene Gonzalez, Keith Hamilton, John Hill, Judge Kimberly Hornak, Rep. Eric Hutchings, Randy Kester, Gaby Anderson for Dan Maldonado, Jim Marchel, Judge Paul Maughan, Judge Gregory K. Orme, Tom Patterson, Kathy Reimherr, Sy Snarr, Kirk Torgensen
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Members Excused	David Brickey, Judge Jeffrey Burbank, K.S. Cornaby, Scott Daniels, Senator Mike Dmitrich, Rep. Carl Duckworth, Kathy Peterson, Chief Ed Rhoades
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Staff	Julie Christenson, Mike Haddon, Jo Lynn Kruse, Dave Walsh, Bob Yeates
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Visitors	Derek Byrne, Representative Paul Ray
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Agenda Item:	Welcome and Approval of Minutes
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Notes:	Bob Yeates called the meeting to order in Kay Cornaby's absence because of illness. Judge Orme made the motion to approve the November 2006 minutes. Tom Patterson seconded the motion and it passed unanimously.
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Agenda Item:	Membership Update
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Notes:	Judge Orme and Judge Maughan have agreed to and are appointed by Chief Justice Durham to serve another term of four years on the Sentencing Commission.
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Agenda Item:	Legislation Sponsored by Representative Paul Ray
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Notes:	<p>Representative Ray joined us to discuss and review pieces of legislation in process.</p> <p>HB 4 – Organized Retail Theft</p> <p>This bill modifies the Criminal Code regarding conduct that constitutes a pattern of unlawful activity; and provides that persons found guilty of a pattern of unlawful activity may be ordered to pay restitution for property obtained through a pattern of unlawful activity.</p> <p>HB 5 – Internet Sexual Predator Penalties</p> <p>This bill amends the Criminal Code by amending the penalties for enticing a minor over the Internet in order to commit a sexual offense, so that the enticement offense is a first degree felony with a specified penalty; and provides that if a defendant commits the offense of enticing a minor to commit any felony sexual offense, and the defendant has previously committed a sexual offense or kidnapping against a minor, the court may not</p>
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	<p>shorten the prison sentence.</p> <p>HB 25- Mortgage Fraud This bill modifies the Utah Code to address real estate regulation, transactions, and construction. This bill directs the attorney general to employ a real estate fraud prosecutor and two investigators; enacts the Real Estate Fraud Act including: creating the crime of real estate fraud; and penalties; and includes real estate fraud as an illegal activity under the Pattern of Illegal Activity Act.</p> <p>Utah is number two in the nation on mortgage fraud. Presently we can only revoke a license. Utah consumers end up paying a quarter percent more on mortgages because of this. The title of the bill may change to Real Estate Fraud. Funding will come from current licensing fees.</p> <p>HB 31 – Driver License or Identification Card Requirement for Sex Offenders This bill modifies the Uniform Driver License Act regarding identification cards to provide that a person required to register as a sex offender must maintain a current identification card if the person does not have a driver license.</p> <p>Other Legislation In Process – Assault on Peace Officer legislation is going to be re-drafted so that only a repeat offense is a felony. One must be convicted of the offense previously in order to be convicted of a second one. Rep. Ray has a narrow definition to define police officer in the line of duty.</p> <p>Search Warrant Procedure bill was requested by the Department of Corrections. DOC wanted a bill that said that a local police department/officer could search (without cause) the property of anyone who was on parole (not probationers) with notification to AP&P.</p> <p>Capital Offense Amendment arose from a brutal slaying of a child in Rep. Ray’s district. The bill states that if one commits Aggravated sex abuse of a child, Aggravated child abuse or Kidnapping of a child, and the child dies (even if that was not the intent) that the perpetrator would qualify for the death penalty. Prosecution would be up to the District Attorney.</p> <p>Vehicle Use for Illegal Drugs – DOC has asked for some corrections on this. Rep. Ray will pass along details as he receives them.</p>
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Agenda Item:	Adam Walsh Child Protection and Safety Act Update – Mike Haddon/Tom Patterson
Notes:	We’ve been working on incorporating provisions in order to bring Utah Code to comply with the Adam Walsh Act. We’ve looked at the complexity of the issue and have decided to hold off until 2008, as funding has not been appropriated yet. The FBI conducted an audit of the Utah Sex Offender Registry and we will hopefully incorporate those suggestions during this legislative session. We are not resistant to the measure in any way, but just need to make sure we have all the information needed to proceed.

Agenda Item:	Other Legislation – Paul Boyden
Notes:	One issue brought forth is the death penalty or life without parole for second time sex offenders. Another was touched on previously is Senator Bell's bill that deals with aggravated murder where the death penalty is not sought. Paul Boyden will send a copy of the bill to John Hill. Many details remain to be resolved.

Agenda Item:	Annual Meeting Date and Agenda – Bob Yeates
Notes:	A tentative date was previously set for April 4 th , but is now changed to April 11, 2007.

**The next meeting is scheduled for Wednesday, April 11, 2007, Utah Law & Justice Center, 645 South 200 East, SLC UT.
Minutes prepared by Jo Lynn Kruse - Executive Secretary, CCJJ**